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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/830,230	04/22/2004	Felix A. Bachmcier	P18566(INTEL32)	7765
6980	7590	08/30/2006	EXAMINER	
TROUTMAN SANDERS LLP 600 PEACHTREE STREET , NE ATLANTA, GA 30308			CONNOLLY, MARK A	
		ART UNIT	PAPER NUMBER	
			2115	

DATE MAILED: 08/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/830,230	BACHMEIER ET AL.
	Examiner	Art Unit
	Mark Connolly	2115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 22 April 2004.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-30 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 1-28 is/are allowed.  
 6) Claim(s) 29 is/are rejected.  
 7) Claim(s) 30 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

1. Claims 1-30 have been presented for examination.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Grover US Pat No. 5361277 in view of Kuo US Pat No. 6775300.

4. Referring to claim 29, Grover teaches the invention substantially including identifying timing variations (i.e. jitter) between a host and a receiver node by measuring a plurality of phase differences (i.e. jitter elements) between the host and receiver clocks [col. 3 lines 27-47]. This allows synchronization within a telecommunications network so that data can be transmitted across the network in a synchronous manner. A measured phase difference is interpreted as representing a time difference between the clock edges of the host and receiver nodes. Although Grover teaches calculating a difference between two clocks, it is not explicitly taught to calculate the time difference between a data timestamp and a clock. Kuo explicitly teaches a telecommunications network which embeds timestamp data into a transmitted bit stream to be sent to a receiving node [abstract, col. 1 lines 21-48 and col. 4 lines 60-64]. This allows a synchronized version of the host clock to be generated at the receiver end with minimal jitter associated with the data transmission. It would have been obvious to one of ordinary skill in the art to include the teachings of Kuo into the Grover system because it minimizes jitter due to the

transmission of the bit stream and clock data [col. 10 line 64- col. 11 line 15]. Furthermore, by embedding the clock data into the bit stream, Kuo teaches that bandwidth can be reduced [col. 4 lines 43-46]. It is obvious that in the Grover-Kuo system that when determining a phase difference between the host and receiver clocks, a difference between timestamp data and the receiver clock is determined since the host clock received by the receiver node is generated with timestamp data. Finally, it is obvious that since the timestamp data and bit stream are multiplexed together and sent simultaneously, the clock generated by the timestamp data will be synchronized with the bit stream data and thus when determining the timing variations between the host and receiver clocks, the timing variations between the bit stream data and the receiver clock is also inherently determined as well.

*Allowable Subject Matter*

5. Claim 30 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. Claims 1-28 are allowed.

*Conclusion*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Connolly whose telephone number is (571) 272-3666. The examiner can normally be reached on M-F 8AM-5PM (except every first Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on (571) 272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mark Connolly  
Examiner  
Art Unit 2115

mc  
August 28, 2006



THOMAS LEE  
SUPERVISORY EXAMINER  
TECHNOLOGY CENTER 2100